

(2021-109)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

| | | |
|------------------------------|---|------------------------|
| MARINA GARCIA | § | |
| | § | CIVIL ACTION NO. _____ |
| VS. | § | |
| | § | |
| CLARKSON INDUSTRIAL | § | |
| CONTRACTORS, INC., and JERRY | § | |
| BOYD EDWARDS | § | JURY DEMANDED |

DEFENDANTS' NOTICE OF REMOVAL

Defendants CLARKSON INDUSTRIAL CONTRACTORS, INC., and JERRY BOYD EDWARDS file this Notice of Removal to the United States District Court for the Southern District of Texas, Brownsville Division, pursuant to 28 U.S.C. § 1441, based on the following facts, which show that this case is properly removable:

PROCEDURAL BACKGROUND

1. On February 22, 2021, Plaintiff, Marina Garcia, commenced an action in the 138th District Court of Cameron County, Cause No. 2021-DCL-01016, styled ***Marina Garcia v. Clarkson Industrial Contractors, Inc., and Jerry Body Edwards***. Plaintiff alleges Defendants are liable under a negligence theory for personal injuries he sustained in the subject incident.
2. On February 25, 2021, Defendants were served with a copy of Plaintiffs' Original Petition.
3. Defendants' Notice of Removal is timely as it is filed within 30 days of actual or constructive receipt of Plaintiffs' Original Petition. 28 U.S.C. § 1446(b).
4. At the time suit was filed, and continuing to the present, this Court had, and still has, original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). There is

complete diversity of citizenship between Plaintiff and Defendants. There are no statutory bars against removal to the United States District Court, Southern District of Texas.

5. The amount in controversy exceeds \$75,000.00, exclusive of interests and costs. See Pet. Para III, page 2.

PARTIES

6. At the time Plaintiff's Original Petition was filed and continuing to the present, Plaintiff is alleged to be a citizen of, and domiciled in, the State of Texas. See Pet. Para. 2.

7. At the time Plaintiff's Original Petition was filed and continuing to the present, Defendant Clarkson Industrial Contractors, Inc., was and still is a South Carolina Corporation with a principal place of business in South Carolina.

8. Defendant, Jerry Boyd Edwards, is now, and was at the time of removal, and at the time of the filing of the instant lawsuit, a natural person and citizen of Landrum, South Carolina.

9. There is complete diversity between the parties.

10. A copy of this Notice of Removal was filed with the clerk of the State Court in which the original action was filed, as required by law.

11. Pursuant to Local Rules 3 and 81, this Notice of Removal is accompanied by a Civil Cover Sheet and copies of the following attached documents:

- a. Pleadings asserting causes of action (Exhibit A);
- b. All orders signed by the State Judge (Exhibit B)
- c. The state court docket sheet at the time of removal (Exhibit C);
- d. An index of matters being filed (Exhibit D);
- e. A list of all attorneys, including their addresses, telephone numbers, and the parties they represent (Exhibit E);

PRAYER

For these reasons, Defendants CLARKSON INDUSTRIAL CONTRACTORS, INC., and JERRY BOYD EDWARDS, request that the Court take jurisdiction of this action to its conclusion and final judgment, to the exclusion of any further proceedings in State Court, in accordance with law.

Dated: March 22, 2021.

Respectfully submitted,

“/s/” Anthony B. James

Anthony B. James, Attorney in Charge
State Bar No. 10537300
Federal I.D. No. 3785

HODGE JAMES JILPAS & NICHOLS

Attorneys at Law
P.O. Box 534329 (78553)
1617 E. Tyler, Suite A
Harlingen, Texas 78550
Telephone: (956) 425-7400
Facsimile: (956) 425-7707

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing, Defendants' Notice of Removal, has been served on the 22nd day of March, 2021 to all attorneys of record via E-Service as follows:

Via Email
Javier Villarreal
Mike Trevino
Daniel A. Torres
Law Offices of Javier Villareal
2401 Wildflower Drive, Suite A
Brownsville, Texas 78520

Attorneys for Plaintiff

"/s/" Anthony B. James

Anthony B. James